

STATE OF TEXAS	\$
COUNTIES OF POTTER	\$
AND RANDALL	\$
CITY OF AMARILLO	\$

On the 30th day of April, 2012, the Downtown Urban Design Review Board met in a scheduled session at 5:30 p.m. in Room 306 on the third floor of City Hall, 509 East 7th Avenue, Amarillo, Texas, with the following members present:

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD	NO. MEETINGS ATTENDED
Chan Davidson	No	12	8
Melissa Henderson	Yes	12	10
David Horsley	Yes	12	11
Charles Lynch, alternate	Yes	12	9
Kevin Nelson	Yes	12	12
Bob Rathbun	Yes	12	10
Wes Reeves	Yes	12	9
Mason Rogers	Yes	12	3
Howard Smith	Yes	12	12
Dana Williams-Walton	Yes	12	11

CITY STAFF:

Kelley Shaw, Planning Director
Cris Valverde, Senior Planner

Chairman Smith opened the meeting, established a quorum, and conducted the consideration of the following items beginning with ITEM 1.

ITEM 1: Approval of Minutes from the April 19, 2012 meeting

Chairman Smith asked if there were any questions or comments regarding the minutes? Mr. Horsley motioned to approve the minutes as presented. Mrs. Walton seconded the motion and the motion passed unanimously.

ITEM 2: Consider an application for a Certificate of Appropriateness for a Toot-n-Totum retail store located in the vicinity of 10th Avenue and Pierce Street.

Before the discussion of the Toot-n-Totum (TnT) staff report, Chairman Smith gave a brief outline on how the discussion would be done regarding this item. He said that staff would give their report, then TnT representatives would comment on the project, then the subcommittee that was formed would speak and then general discussion would take place.

Mr. Shaw began by stating the Board member Chan Davidson would not be present due to business relationships with the applicant and that Mr. Lynch would be participating in his absence. Mr. Shaw then stated that he would go through the normal staff report template but that first stated he thought that the previous discussions were beneficial to all. He stated that he read through the DAUDS twice to refresh his sense of what their purpose was. Amongst the basic principals and intent, Mr. Shaw felt that there was room for flexibility given certain circumstances. He pointed out that within the DAUDS there was a reference to auto service related uses provide challenges when placed within a pedestrian oriented environment. Mr. Shaw stated that his staff report was based on how the proposed project met the principals and intent of the DAUDS.

Mr. Shaw then gave an overall description of the basic elements of the project. His description of elements included street trees, pedestrian lights, sidewalks, landscape standards, how the building was setback from the property line, architectural elements of the building, and primary entrance. Other elements Mr. Shaw discussed were a proposed drive-through, parking lot standards, and signs.

Mr. Shaw summed up that of the elements discussed, by far the majority met the DAUDS. However, the building edge and drive-through were elements he thought did not technically meet the standards and therefore needed to be discussed in order to determine if a variance was warranted. Mr. Shaw stated that the use and associated, necessary circulation (delivery trucks and customers) were something that had to be considered when discussing this project. Mr. Shaw stated that because of this, the applicant proposed a half wall that would help to create a linear pedestrian oriented walkway in lieu of an actual building's wall and in his opinion, given the use, the existing site conditions and location, as well as all the other streetscape improvements that they were doing, did enough to meet the intent of the DAUDS.

Mr. Shaw then discussed the drive-through issue and told Board members that in his opinion, that defining a traditional and non-traditional drive through was somewhat subjective. He felt that it could be addressed either by the functionality or design of the drive-through. In his opinion, the applicant made a real effort in the designing of the drive-through by incorporating it into the overall design of the building. However, Mr. Shaw felt that all in all, the functionality of the drive-through was clearly a traditional use and felt did not meet the design standards current language or reference to a non-traditional drive-through. Mr. Shaw then asked TNT representatives to speak.

Mr. Mitchell stated that they have worked long hours on trying to find a way to address all the standards. He said that he wanted to the Board to know he really tried different site plans but nothing worked. He stated that he previously had told the Board that he couldn't do it differently but that perhaps that was said wrong in that he should have said he couldn't do it differently and be successful. He then went over all the standards that TnT did comply with. He said that it all comes down to the building edge related requirement and the drive-through.

Mr. Jenkins then detailed the site plan for the Board and explained what access and circulation needs were present. He then went over the landscaping and wall that had been provided. Mr Mithcell then explained the reasoning behind the distance between the store and the gas pumps and how it was extremely critical to getting the customer into the store. Discussion then took place on what costs would be involved in moving the utilities that ran through the middle of the site. He also stated that their site is on the extreme southern end of the downtown area and that pedestrian traffic may or may not exist in the future but that the auto related business was a known factor given the traffic counts for this site. Mr. Mitchell felt that this part of downtown was not the same as the Polk Street or Tyler Street corridors and deserved some consideration.

Mr. Mitchell then discussed the drive-through issue. He stated he did not understand why banks automatically were exempted by the DAUDS and that if it was done because they were auto oriented business, then he should be too. He then explained that the drive through was used by disabled citizens, the elderly, and mothers with children and also people who might come to the store late at night and want to have the safety of staying in their cars. Mr. Jenkins then described the design of the drive-through and how they tried to do as much as possible to make it a “non-traditional” drive-through by incorporating it into the design of the building and adding the brick columns and screening wall. He said he didn’t know what else to do to make it a non-traditional drive-through.

Mr. Mitchell then discussed the tax benefits for the City and the TIRZ would gain by TnT being downtown. He closed by saying he believed that having the TnT downtown would help in attracting development to downtown and that his building and project would be positive and good looking project that they could be proud of.

Mr. Smith then asked the subcommittee to report on how the subcommittee meeting went and what their thoughts were. Mr. Horsely stated that he appreciated everyone thoughts and work on this project but that he was still opposed to the project as proposed. He stated that the project could be done a different way and he thought the building edge variance being requested was a very big part of the DAUDS. He felt the drive-through needed more discussion because he believed the Board was not prepared to answer a non-traditional/traditional type question.

Mrs. Walton stated that in terms building edge she believed the use made her start thinking differently about what was being done and that given the use, it was perhaps appropriate to think about the building and associated parking area being held to the parking lot standards which there were meeting. She felt that the drive-through had enough non-traditional elements to be considered a non-traditional drive-through. Mr. Nelson then stated that he was being pragmatic about the development and that given the stage of development in downtown that he felt it would be a positive for downtown if it could happen and would not like to see it go away if it could be avoided. He felt that it could be accommodated with the standards given the auto related use and that variances would be appropriate. He also believes that aesthetically and traffic flow, the drive-through was non-traditional. Mr. Smith said the project was a full block just north of Happy State Bank which was another auto oriented business and it would not interfere with any type of pedestrian oriented businesses and he thought that there was enough evidence of the applicant trying to meet the intent of the DAUDS and was in favor of the project.

Discussion then followed by other members of the Board. Mr. Rathburn stated that even though he personally doesn’t like drive-throughs, he was in favor of the project. Mrs. Henderson thanked everyone for their efforts but that in her opinion, the project did not meet the intent of the design standards at all and that if you weren’t going to adhere to the building edge standards that the drive-through didn’t really matter. Mr. Lynch felt the project could have been designed differently and fell short of meeting the building edge and pedestrian oriented intent of the design standards. Mr. Rogers stated that he felt the specific site had special considerations and that given all the locations that this type of business could be located this was the most appropriate and that the standards did allow some interpretation and that he was in favor of the project. Mr. Reeves stated that given the location and being across from Happy State Bank that he could live with it.

Mr. Smith then asked for a motion. Bob Rathburn motioned to approve the TnT Certificate of Appropriateness, Mr. Nelson seconded the motion. The motioned passed with a vote of 6 voting in favor of the project and 3 voting against the project.

ITEM 3: Public Forum

No one spoke

ITEM 4: Consider Future Agenda Items

Mr. Smith asked if there were comments and Mr. Shaw stated that he would set up a meeting for the Board next week to give them an update on previous projects. Mr. Horsley commented that he appreciated everyone's efforts and that now that the vote had been taken, he would support the decision. Mr. Nelson thanked everyone for their efforts. Mr. Mitchell also thanked everyone. Hearing no further business, Chairman Smith adjourned the meeting.

Kelley Shaw
Planning Director